



Iowa General Assembly

2009 Committee Briefings

Legislative Services Agency – Legal Services Division

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SENTENCING SUBCOMMITTEE OF THE CRIMINAL CODE REORGANIZATION STUDY COMMITTEE

Meeting Dates: [August 12, 2009](#)

Purpose. *This compilation of briefings on legislative interim committee meetings and other meetings and topics of interest to the Iowa General Assembly, written by the Legal Services Division staff of the nonpartisan Legislative Services Agency, describes committee activities or topics. The briefings were originally distributed in the Iowa Legislative Interim Calendar and Briefing. Official minutes, reports, and other detailed information concerning the committee or topic addressed by a briefing can be obtained from the committee's Internet page listed above, from the Iowa General Assembly's Internet page at <http://www.legis.state.ia.us/>, or from the agency connected with the meeting or topic described.*

SENTENCING SUBCOMMITTEE OF THE CRIMINAL CODE REORGANIZATION STUDY COMMITTEE

August 12, 2009

Chairperson: Honorable Michael Mullins

Overview. The Sentencing Subcommittee of the Criminal Code Reorganization Study Committee is charged with reviewing the sentencing structures of other states including the establishment of a sentencing commission. At the third meeting, the subcommittee discussed recommending the establishment of a Public Safety Advisory Board (PSAB). The Subcommittee has agreed that a PSAB would consider proportionality of offenses and punishments, charging alternatives available to prosecutors, rates of recidivism, resources available to the state, incarceration and release rates, and the rights and safety of victims of crime.

Division of Criminal and Juvenile Justice and Planning of the Department of Human Rights (CJJP). Ms. Phyllis Blood, Justice System Analyst for CJJP, noted that CJJP and other state agencies do an excellent job collecting and analyzing data for policy makers and these efforts are respected by other states. If a gap exists in data collection efforts it is the fact that jail populations are not tracked at the state level, if the General Assembly establishes a PSAB, it should be done in a way as to not damage the large investments already made in the Justice Data Warehouse and the Criminal Justice Systems Integration (CJSI).

The Subcommittee discussed the impact of the establishment of a PSAB on the CJJP Council. Ms. Blood stated the impact on the CJJP Council depends on the PSAB structure. She further stated if the PSAB were a decision-making board there could potentially be some overlap between the CJJP Council and the PSAB.

National Association of State Sentencing Commissions Conference (NASC). Senator Keith Kreiman presented an overview to the Subcommittee relating to the NASC annual conference. Senator Kreiman stated that the goals of a well-managed PSAB must include a clear mission statement, adequate staff, appropriate board members, independence, and credibility. The challenge will be establishing a PSAB structure that reflects these goals. The Subcommittee discussed placement of the PSAB within either the Legislative Branch or Executive Branch. Chairperson Mullins stated that if the PSAB were placed within the Judicial Branch the Iowa Supreme Court would have separation of power concerns. The Subcommittee also discussed the membership of the PSAB. Senator Kreiman stated the PSAB should have an equal number of legislative members from each party. Subcommittee members expressed concern that a large membership on the PSAB would be unmanageable while other Subcommittee members stated that a larger membership would add more expertise.

Recommendations. The Subcommittee agreed to make a recommendation to the entire Criminal Code Reorganization meeting on September 9, 2009. The Subcommittee also appointed Chairperson Mullins, Senator Kreiman, and Representative Clel Baudler to draft the details of such a recommendation for the Subcommittee to review prior to the September 9, 2009, Criminal Code Reorganization Study Committee Meeting.

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